

DOCKET OFFICE TIPS FOR PARTIES AND PRACTITIONERS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION

--This is NOT legal advice--

INTRODUCTION

The purpose of this material is to provide practical advice and guide you through some of the filing procedures to assure your filing is accepted. This information is based on the Docket Office practices and the Commission Rules of Practice and Procedure (Rules), which is always the first place you should check regarding procedures in general. Additional requirements for certain types of filings are also included in the Public Utilities Code and in the Commission's decisions, general orders, and resolutions, as well as on-line guides (for example, Intervenor Compensation Program Guide). In a particular proceeding, rulings or decisions may contain specific procedural direction that may differ from the provisions of the Rules.

If you have questions related to your specific situation that are not answered by this material or review of the Rules, please feel free to contact the Public Advisor's Office at 1-866-849-8390 (toll-free) or (415) 703-2074 or public.advisor@cpuc.ca.gov (Northern California, San Francisco) or 1-866-849-8391 (toll-free) or (213) 576-7055 or public.advisor.la@cpuc.ca.gov (Southern California, Los Angeles).

WHERE TO OBTAIN COPIES OF RULES AND ASSISTANCE WITH QUESTIONS REGARDING COMMISSION RULES

Q: Where can a practitioner, party or member of the public get information about the Rules or Commission requirements?

A: The Rules are posted on the Commission website at <http://www.cpuc.ca.gov/static/documents/codelawspolicies.htm>, click on Rules of Practice & Procedure. You may also obtain a copy of the Rules or general information regarding the Rules and other requirements through the Public Advisor's office. Statutory requirements found in the Public Utilities Code, are posted on the Commission website at www.leginfo.ca.gov/calaw.html. Copies of Public Utilities Code sections may also be obtained through the Public Advisor's office or at any county law library.

FILING OF DOCUMENTS WITH SAN FRANCISCO, LOS ANGELES, OR SAN DIEGO COMMISSION OFFICES

Q: Where can documents be submitted for filing?

A: By e-filing:

You may use the Commission e-filing system to file all documents except confidential documents. You can access the e-filing system and instructions at <http://www.cpuc.ca.gov/static/efiling.htm>

Personal Delivery:

Unless otherwise directed, all courier-delivered documents submitted for filing as part of the formal record in a proceeding should be taken directly to the Commission's lobby, 505 Van Ness Avenue in San Francisco; at the Commission's offices in the State Building, 320 W. 4th Street, Suite 500, Los Angeles; or in the State Building, 1350 Front Street, Room 4006, San Diego. All hand-delivered documents to the Los Angeles or San Diego offices must include first-class postage charges to San Francisco. Payment of the postage charges may be made by check or money order. (Rule 1.13(a).)

By mail:

You may tender documents for filing by mailing them to the Docket Office in San Francisco: 505 Van Ness Avenue, Room 2001, San Francisco, California 94102.

Q: When is a tendered document considered filed?

A: Tendered documents are filed only after they have been reviewed and accepted by the Docket Office in San Francisco. Rule 1.13(c). The date when a document is filed is the date when it was received by the Docket Office. The date when the document is mailed is not its file date. When you mail a document, you must mail it before the due date for the filing to make sure that the Docket Office receives the document no later than the due date.

SIGNATURE REQUIREMENTS FOR DOCUMENTS FILED WITH THE COMMISSION

Q: Must a document submitted for filing be signed?

A: Yes. The document must be signed at the end of the document and

must state the date of the signing, the signer's address, and the signer's telephone number. (Rule 1.8(a).) You should include, if applicable, the title of the person who signs the document, and the complete legal name (no abbreviations or acronyms) of the company or organization the person represents.

Q: How can I satisfy signature requirements when e-filing?

A: A document can contain a scanned signature on the signature page. Alternatively, the document can contain a proof of the fact that the original document is signed. It can be done by typing “/s/”, (“signed”) on of the signature line. Information about the signer (name, title, company name, address, telephone number and other contact information) should be placed below the signature line. (Rule 1.8; Appendix A, Rule 3(f) to Resolution ALJ-188). For example:

/s/ John Smith
JOHN A. SMITH
Vice President, Regulatory Department
Telecommunications Company
0000 Drive, Suite 0000
City, State, Zip Code
Telephone: (000) 000-0000
Facsimile: (000) 000-0000
E-mail address:

Q: Can either the party or its attorney or representative sign the document?

A: Yes. (Rule 1.8(c).)

Q: If a document is submitted for filing on behalf of more than one party, must each party or its attorney or representative sign the document?

A: Generally, no. Only one party or its attorney or representative needs to sign, provided that the person signing has proper authorization from the other parties to sign on their behalf. However, the title or first page of the document as well as the signature page of the document must identify all parties on whose behalf the document is being tendered for filing and must state their Case Information System Identification Numbers, if applicable. (Rule 1.8 (d).)

VERIFICATION OF DOCUMENTS

Q: What types of documents submitted for filing must be verified?

A: Applications (except for applications for rehearing of Resolution of the Commission and applications for rehearing of the Commission decision), complaints, answers, amendments to applications and complaints and other documents as may be specified by the Rules, must be verified. (Rule 1.11.) Requests for an award of intervenor compensation must be verified. (See, Intervenor Compensation Program Guide)

Q: How should the verification of the document be made?

A: Both the Commission complaint form and application form contain a verification that may be signed by the party or when permitted by Rule 1.1, its attorney or representative. The complaint and application forms are posted on the Commission website under Rule 18.1 of the Rules or may be obtained through the Public Advisor's Office.

Otherwise, the document must be verified by a sworn affidavit signed before a notary public or a declaration under penalty of perjury. The affidavit or declaration must state that the contents of the document are true of the verifying party's own knowledge, except as to matters stated on information and belief, and that as to those matters, the verifying party believes them to be true. (Rule 1.11(b).)

Q: Who should verify the document?

A: The filing party should generally verify the document. Applications to sell, lease or encumber utility property rights, to merge or consolidate facilities, to acquire stock of another utility, or to acquire or control a utility under Section 851 through 854 of the Public Utilities Code shall be verified by all parties to the proposed transaction, with some exceptions. Rule 3.6.

Q: May an attorney or representative of a party verify a document on behalf of the party?

A: Only under limited circumstances. The attorney or representative may verify the document only if the party is absent from the county in which the attorney's or representative's office is located, or the party is otherwise unable to verify the document. The attorney or representative

must then state in the verification the reason that the party has not verified the document and that the attorney or representative has read the document and is informed and believes, and on that ground alleges, that the matters stated in it are true. (Rule 1.11(d).)

SELECTING A DOCUMENT TYPE AND DOCUMENT NAME FOR A DOCUMENT YOU SUBMIT IN A FORMAL PROCEEDING

Q. What documents can be filed in a proceeding before the Commission?

A. Attachment A is the list of document types that can be filed in a formal proceeding before the Commission. The Commission occasionally modifies the document type pick list.

Q. How can I select the right document type for my document?

A. There are several suggestions for selecting a document type and naming your document.

If the Commission requested or authorized the filing of a certain document – select the document type pursuant to the Commission’s direction: for example, use “Comments” if the Commission directs to file comments, etc. If the Commission asks you to file a document but that document type is not listed in the pick list, call your document “RESPONSE”; for example, RESPONSE TO THE RULING OF OCTOBER 5, 2006”. For periodic data filed with the Commission in compliance with its orders, select “REPORT” as a document type.

If you file a document not specifically requested or authorized by the Commission but authorized in the Rules of Practice and Procedure, select a document type for your document based on the terminology used in the Rules. For example, an opposition to a new application should be filed as PROTEST (Rule 2.6); request for the Commission or administrative law judge to take a specific action related to an open proceeding before the Commission should be filed as MOTION (Article 11 of the Rules); a request to make changes to the Commission issued decision is a PETITION FOR MODIFICATION (Rule 16.4); etc.

When reply comments are authorized by the Commission or by the

Rules of Practice and Procedure (for example, Rule 14.3 on comments on recommended decision), select COMMENTS as document type (not “reply”). However, you will need to include the words “REPLY COMMENTS and a reference to the document or issue on which you comment in the title of your document. The same applies to BRIEFS – the proper document type for Reply BRIEF is BRIEF (and not “reply”) and the document’s title should include the words “REPLY BRIEF”.

The document type “REPLY” is proper only when you file a third-round pleading, for example, REPLY TO RESPONSE TO MOTION (third round pleading) or REPLY TO PROTEST. The name of your document should reflect that fact; for example: “REPLY TO RESPONSE(S) TO MOTION /name of the Motion/”

A request for rehearing of the Commission Resolution or a request for modification of the Commission Resolution should be filed as a new application proceeding - Application for Rehearing of Resolution or Application for Modification of Resolution.

Q: What else should I include in the title (name) of my document?

A: The title (name) of your document must include the document type that you selected (for example, if you selected a document type “REPLY” for your reply to a protest, a name of your document should include the words “Reply to protest to the application”).

Public utilities must include their Case Information System Identification Numbers in the name of their document; for example:

NOTICE OF PACIFIC BELL TELEPHONE COMPANY DBA AT&T
CALIFORNIA (U-1001) OF EX PARTE COMMUNICATION.

If you file a motion in hard copy asking the Commission to adopt, authorize or file another document (except testimony and exhibits that are not filed – see, Rule 1.7(b)), you should attach that document to your motion and reference that attachment in the name of your motion; for example: MOTION TO APPROVE SETTLEMENT AGREEMENT; SETTLEMENT AGREEMENT ATTACHED; MOTION FOR LEAVE TO FILE PROTEST; PROTEST ATTACHED, etc. Rule 1.7.

In e-filing, rules are different. In e-filing, motions to file a document (for example, MOTION TO ACCEPT LATE-FILED DOCUMENT or MOTION TO FILE THIRD-ROUND PLEADING) should not reference that document in the title of the motion and should not attach the document. The document sought to be filed should be submitted concurrently with the motion but as a separate e-filing transaction. This will allow the Commission to rule on the motion first and if it is granted, file the document.

TRANSMITTAL LETTERS

Q: When can a party include a transmittal letter with a document submitted for filing?

A: Transmittal letters should not be included in e-filed documents. Transmittal letters are not required for hard copy filings but can be provided if, for example, a filer needs to ask the Docket Office to send an acknowledgement that the document has been received or filed. (Rules 1.5, 1.13(a), and 1.13(k)). Transmittal letters will not be filed.

Q: Should the transmittal letter be attached to the document submitted for filing?

A: No, a transmittal letter must not be attached to the document. Rule 1.5.

BINDING OF DOCUMENTS SUBMITTED FOR FILING

Q: How should documents submitted for filing be bound?

A: Documents submitted for filing may be bound in the upper left corner or along the left side. (Rule 1.5).

Docket Office suggestion: The Docket Office prefers that documents be stapled. For larger documents that cannot be stapled, you are encouraged to use a round-head fastener or similar device. Documents should not be submitted for filing in binders. For voluminous documents you may use rubber-bands. See, VOLUMINOUS DOCUMENTS section.

VOLUMINOUS DOCUMENTS

If your document is voluminous, contact the assigned administrative law

judge and ask if the judge will allow you to reduce the number of copies or submit copies or parts of the document on CD or floppy diskette.

FILING FEES

Q: Are parties who initiate proceedings with the Commission required to pay a filing fee?

A: Yes. Parties that file certain types of the applications with the Commission must pay a filing fee at the time of the filing of the document. (Public agencies are exempt from this requirement.) The Commission's filing fees are stated in the Table of Filing Fees, which appears at the end of the Rules. (Rule 1.15.)

REQUEST FOR EXTENSIONS OF TIME

Q: How can a party request permission from the Commission to file a document later than a deadline established by the Rules or by a ruling of the ALJ or assigned Commissioner?

A: Parties may request extensions of time limits established by the Rules or a ruling of the ALJ or assigned Commissioner. Such requests must be made to the ALJ orally, by letter, or by a written motion. If other parties in the proceeding would be affected, the party requesting the extension must first make a good-faith effort to reach the other parties and to ask them to agree to the extension. The party must inform the ALJ whether the other parties have agreed to the extension at the time that the request is made. (Rule 11.6.)

Q: How can a party request permission from the Commission to file a document after a deadline established by Commission decision or order?

A: Parties may request extensions of time to comply with a Commission decision or order by letter to the Executive Director, with a copy sent to all parties in the proceeding. The Executive Director must receive the letter at least 3 business days before the deadline that the party wishes to extend. (Rule 16.6)

Q: Can a party obtain an extension of time beyond a deadline established by statute?

A: No, unless the statute permits an extension of time or a waiver of the requirement. (Rule 11.6.)

Q: Must a party granted an extension of time by the ALJ or Executive Director notify other parties?

A: Generally yes. The ALJ will often require the party that requested the extension to promptly notify the other parties that the request has been granted, but may confirm the extension of time by ruling or on the record of the proceeding. If the Executive Director grants the request, the party that requested the extension must promptly notify the other parties that the request was granted. (Rules 11.6, 16.6.)

Q: If a party received an extension of time or permission to file a late document, should the extension or permission to file the document late be noted in the document?

A: Yes, to inform the Commission of the fact, the party should state on the first page of the document the name of the judge who authorized the late filing and the date on which the authorization was given.

DOCKET OFFICE HANDLING OF DOCUMENTS THAT DO NOT COMPLY WITH COMMISSION RULES OR REQUIREMENTS/SUBSTANTIAL COMPLIANCE

Q: What happens if a party submits a document for filing that does not comply with Commission rules or requirements?

A: The Docket Office may return the document to the party without filing it, with a statement of the reasons that the document could not be filed. (Rule 1.13 (e))

However, if a document substantially complies with a Commission Rule or requirement, the Docket Office may notify the party of the problem and give the party a period of time up to seven days to correct the document. If the party resubmits the document within the given period of time, and the document then complies with the Commission Rules or requirements, the Docket Office will file the document. The file date for the document will be the date on which it originally was submitted for filing. (Rule 1.13(h).)

For e-filed documents, a non-compliant document will be rejected,

but if the filer corrects deficiencies and resubmits the document, the filing will receive the original filing date.

NOTICE OF EX PARTE COMMUNICATIONS

Q: When are ex parte communications permitted?

A: Ex parte communications are permitted in quasi-legislative proceedings and in ratesetting proceedings, subject to certain requirements. Ex parte communications are prohibited in adjudicatory proceedings. (See Rules 8.1 – 8.6.)

Q: Are there specific requirements for different types of ex parte communications in ratesetting proceedings, such as all party meetings with a Commissioner, meetings between a single party and a Commissioner, and written communications?

A: Yes. Please see Rule 8.2(c).

Q: Must a party or interested person report an ex parte communication after it occurred?

A: **The answer depends on the type of proceeding**, in ratesetting proceedings and when an ex parte communication regarding the categorization of a proceeding occurs, parties must report the ex parte communication by filing with the Docket Office, within three business days of date on which the ex parte communication occurred, a NOTICE OF EX PARTE COMMUNICATION (Rule 8.3.) However, if it has been determined that no hearing is required, the reporting requirements cease to apply. (Rule 8.2(d).) Reporting of communications in quasi-legislative proceedings is never required. (Rule 8.2(a).)

Q: What information must the Notice of Ex Parte Communication include?

A: A Notice of Ex Parte Communication must include:

- The date, time and place of the communication, including whether it was oral, written, or a combination of both.
- The name of each decisionmaker involved, the name of the party or

interested persons who initiated the communication, and any other persons present during such communication, as well as a name of the company or organization each of the participants represented during an ex parte communication. For all-party meetings, you can attach a copy of the meeting's sign-in sheet.

- A description of the statements made by the party or interested persons during the communication.

When you describe the party or interested person's statements, do not limit your description to a list of issues discussed in the communication – relay what position the participant expressed with regard to the issues discussed in the communication. For example, “Company A discussed Company B's efforts to provide payphone service by T-1 interconnection arrangements” is a description of the issue raised but not a description of the filing party's position on the issue. On the other hand, “Company A stated that it believes that Company B's efforts to provide payphone service by T-1 interconnection arrangements is a clear violation of Company A's tariffs” summarizes both the issue raised and the position taken by the filing party.

If the party or interested person showed any written, audio visual or other material, such as report, memo or a film, to the decisionmaker during the communication, or gave a copy of such material to the decisionmaker, a copy of this material must be attached to the Notice of Ex Parte Communication. (Rule 8.3(a).) If that document has been formally filed with the Commission in that proceeding, you do not have to attach it; however, you need to reference the document in your notice and indicate when it was formally filed in this proceeding.

- Please, remember that ex parte rule is a DISCLOSURE rule and if parties discussed confidential material, they must disclose the material in the ex parte notice.

Q. What happens if not all required information is included in the Notice of Ex Parte Communication?

A: The Docket Office prepares summaries of all notices of ex parte communication and publishes them in the Commission Daily Calendar. A Summary of a notice of ex parte communication that fails to include all

required information, will be published in the Daily Calendar with the comment “**AUGMENTATION REQUIRED**”. The Docket Office will contact the reporting party to explain what information was missing from the notice. The party will have to submit an AUGMENTED NOTICE OF EX PARTE COMMUNICATION. An augmented notice of ex parte communication should repeat the original notice and also include the requested information.

Q: Should statements of the decisionmaker be reported in the Notice of Ex Parte Communication?

A: No. (Rule 8.3(a)(3).)

Q: Should I report a written communication?

A: Yes. You need to file a notice of a written ex parte communication.

Please, note that Rule 8.2(c)(3) requires the party making the written communications to serve copies of the communication on all other parties on the same day the communication is sent to a decisionmaker.

- In accordance with this requirement, you need to provide with your notice of ex parte communication a proof of service of the written communication, pursuant to Rule 1.9(d).

Q: How can a party or member of the public review or get a copy of the Notice of Ex Parte Communication filed in a proceeding?

A: Interested persons may request a copy of the Notice of Ex Parte Communication from the filing party or from the Commission’s File room at (415) 703-2045. The Docket Office posts a summary of each Notice of Ex Parte Communication in the Commission’s Daily Calendar and on the Commission website at www.cpuc.ca.gov (Rule 8.3(d))

SERVICE LISTS FOR PROCEEDINGS

Q: Where can a party or member of the public review or get a copy of an official service list for a proceeding?

A: Official service lists are generally available for review on the

Commission website at www.cpuc.ca.gov, unless the proceeding has been closed. Persons who wish to review or obtain a copy of an official service list that is not posted on the Commission website may contact the Commission Process Office at (415) 703-2021.

Q: How can changes or corrections to an official service list be made?

A: It is a party's responsibility to inform the Process Office of any changes or corrections to the service list information about that party. A party should submit a change of address or a change in its designation of the person authorized to receive service on its behalf by sending a written notice to the Process Office at 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102 or an e-mail notice to process_office@cpuc.ca.gov. A copy of a notice should be sent to each party listed in the official service list. The assigned ALJ may also make corrections and minor changes to the official service list and may delete inactive parties. (Rule 1.9(e), (f).)

LAW AND MOTION REQUIREMENTS/MOTIONS IN COMMISSION PROCEEDINGS

Q: Where can a party find the Commission's requirements for law and motion matters?

A: The Commission's current requirements for law and motion matters, including discovery disputes and procedural motions, are included in Article 11 of the Rules.

Q. Are there any specific suggestions to motions to approve or file documents?

If you file a motion asking the Commission to adopt, authorize or file another document (except testimony and exhibits that are not filed – see, Rule 1.7(b)), you should attach that document to your motion and refer to this fact when you prepare a name for your motion; for example: MOTION TO APPROVE SETTLEMENT AGREEMENT; SETTLEMENT AGREEMENT ATTACHED; MOTION FOR LEAVE TO FILE PROTEST; PROTEST ATTACHED, etc. Rule 1.7. In e-filing, rules are different.

In e-filing, motions to file a document (for example, MOTION TO

ACCEPT LATE-FILED DOCUMENT or MOTION TO FILE THIRD-ROUND PLEADING) should not reference that document in the title of the motion and should not include the attached document. The document sought to be filed should be submitted concurrently with the motion but as a separate e-filing transaction. This will allow the Commission to rule on the motion first and if it is granted, file the document.

MOTIONS FOR LEAVE TO FILE CONFIDENTIAL MATERIALS UNDER SEAL

Q: May the Commission keep certain materials submitted for filing confidential?

A: Yes. Although the Public Records Act (Gov't. Code section 6250 et seq.) generally requires Commission records to be available for review by the public,¹ the Commission is authorized under General Order 66-C to keep some types of information confidential. A copy of General Order 66-C is posted on the Commission website at <http://www.cpuc.ca.gov/PUBLISHED/Graphics/644.PDF> or may be obtained through the Public Advisor's Office.

Q: Must parties who wish to protect the confidentiality of materials file motions seeking leave to file the materials under seal?

A: Generally, yes. (Rules 11.4 and 11.5). However, under Decision (D.) 97-09-035 (74 CPUC2d 667), non-dominant interexchange carriers (NDIECs) that are not facilities-based and that are filing commercially-valuable financial information as part of the registration application process authorized by D.97-06-107 need not file a motion to keep this financial information confidential, provided they comply with the procedures in D.97-09-035.

Q: Are there any specific requirements that should be followed by parties who are filing motions for leave to file confidential materials under

¹ However, the Public Records Act (Act) also authorizes the Commission to keep certain records confidential if the document falls within an exemption from the disclosure requirements of the Act or when the public interest served by keeping the document confidential clearly outweighs the public interest served by disclosure of the record. (Govt. Code sections 6253, 6255.)

seal?

Title page. A title of the motion should include a reference to documents attached and filed under seal, as follows:

MOTION OF _____ FOR LEAVE TO FILE CONFIDENTIAL
MATERIAL(S) UNDER SEAL; CONFIDENTIAL MATERIAL(S)
ATTACHED AND FILED UNDER SEAL

Identification of Confidential Materials or Information in Body of Motion.

Parties should specifically identify and refer to the confidential materials that they wish to file under seal in the body of the motion. For example, a reference to confidential materials could read: “ . . . confidential financial records of _____ (insert filer’s name), attached to the (application/brief/compliance filing, etc.) as Exhibit ____.”

Proposed Ruling. Attach a proposed ruling that clearly indicates the requested confidentiality treatment.

Enclosure of Confidential Materials in Unsealed Envelopes. Parties should place the confidential materials in an unsealed envelope and tape a copy of the title page of the motion to the outside of the envelope (in case the envelope and the motion accidentally become separated). Please do not seal the envelope, because the Docket Office needs access to the confidential material to stamp it with the words “Filed Under Seal”, and to affix a stamp indicating the date on which the document was filed. Parties may use rubber bands, paper clips, or similar methods to secure the unsealed envelope and its contents. The envelope should be large enough to hold the confidential materials comfortably. For example, a thick document printed on 8½” by 11” paper should be submitted in a 10” by 12” envelope.

This procedure should be followed for the original and each copy of the motion and confidential materials that is required.

Q. Should a party file under seal a complete unredacted version of the whole document?

A. When the allegedly confidential information appears throughout the document, a party should submit the entire unredacted version of the

document under seal, inside confidential envelopes. When only a few pages of the document contain allegedly confidential information, only those pages can be submitted under seal.

Q: Must a party file a redacted version of a document, i.e., a copy of the document in which confidential information has been covered or blocked out?

A: Yes, a redacted version of the document must be filed, unless the document as a whole is allegedly confidential and/or it is impracticable to file a redacted, public version of it.

Q: Should I file a Motion to File Under Seal every time I need to file confidential materials?

A: Yes, unless in this proceeding there already issued a ruling granting confidential treatment of that information. In that case, you do not need to file a motion. You should submit your confidential material inside confidential envelopes, as described above.

The title page to be taped to the top of your envelopes should contain a caption for the proceeding, description of the contents of your envelopes AND reference to the date of the ruling authorizing the confidential treatment of your document, for example:

Reply brief of /FILER'S NAME/

Confidential Unredacted Version.

Filed Under Seal Pursuant to the /DATE/ ruling of ALJ /NAME OF
THE JUDGE/

SCOPING INFORMATION

Q: In what types of documents must a party include "scoping information"?

A: Parties must include scoping information in documents filed to initiate a proceeding and responses to them, such as complaints, applications, answers to complaints, protests and responses to applications, Orders Instituting Rulemaking and Orders Instituting Investigation. (Rules

2.1, 2.6, 4.2, 4.4, 5.2, 6.2) However, scoping information need not be included in the following types of documents:

- Applications for registration by NDIECs (non-dominant interexchange carriers);
- Requests for arbitration under Section 252 of the Telecommunications Act of 1996; and
- Applications for Rehearing of Resolution

Q: What types of information should be included in documents to meet the requirement for "scoping information"?

A: Scoping information should include:

- The proposed category for the proceeding, i.e., adjudicatory, quasi-legislative or ratesetting;
- The issues to be considered by the Commission;
- Whether a hearing is necessary; and
- A proposed schedule for the proceeding. (Rules 2.1, 2.6, 4.2, 4.4, 5.2, 6.2)

The Commission's complaint form includes a section for scoping information. The complaint form is posted on the Commission website under Rule 18.1 at www.cpuc.ca.gov, or may be obtained through the Public Advisor's Office.

Q: How does a party choose a proposed category for the proceeding?

A: The party should select a proposed category which best fits the type of proceeding that it is filing. The three categories of proceedings are defined as follows:

- Adjudicatory proceedings. Adjudicatory proceedings include: (1) enforcement investigations into violations of law or Commission orders or Rules, and complaints against regulated entities, including challenges to the accuracy of a utility bill but excluding complaints regarding the reasonableness of rates or charges in general.

- Quasi-legislative proceedings. In quasi-legislative proceedings, the Commission establishes policies or rules affecting a class of regulated entities, or may investigate the rates or practices of an entire regulated industry or class of entities within the industry.
- Ratesetting proceedings. Ratesetting proceedings include: (1) proceedings in which the Commission sets or investigates rates for a specifically named utility or establishes a mechanism or procedure that sets rates for a specifically named utility, and (2) other types of proceedings that do not fit within the adjudicatory or quasi-legislative categories. (Pub. Util. Code § 1701.1(c); Rule 1.3(a), (d) and (e)) Examples of ratesetting proceedings are applications for a certificate of public convenience and necessity, for a certificate to operate a passenger stage corporation, etc.

Q: What is the effect of the party's designation of a proposed category for the proceeding?

A: The category proposed by the party is only a suggestion to the Commission. The Commission makes the ultimate decision on the category of a proceeding. In complaint proceedings, this final determination is made in the Instructions to Answer form served on defendants. (Rule 7.1(b).) In OIRs this final determination is made in the Commission's initiatory order. (Rule 7.1(c))

In applications, the Commission preliminarily determines the category of the proceeding through a vote at a Commission meeting. (Rule 7.1(a).) In OIRs, the Commission's initiatory order preliminarily determine the category. (Rule 7.1(d). In both cases the assigned Commissioner's scoping memo may affirm the preliminary category. (Rule 7.3(a).) The assigned Commissioner may also change the category by ruling, subject to the approval of the entire Commission. (Rule 7.5.) Under some circumstances, a party may appeal the final categorization of a proceeding by the Commission. (Rule 7.6)

Q: How does a party determine the proposed schedule for the proceeding?

A: Adjudicatory cases must be completed within 12 months of the date

on which the proceeding was filed, and ratesetting and quasi-legislative proceedings must be completed within 18 months of the date on which the proceeding was filed. A Commission proceeding has been completed when the Commission has approved a decision on the proceeding by a vote at a Commission meeting. Parties should keep these timeframes in mind when proposing a schedule for the proceeding. The proposed schedule should also take into account the number and complexity of issues to be considered, the number of parties, the need for and anticipated length of hearings, and other relevant factors. (Pub. Util. Code § 1701.2(d), Rules 1.1, 2.2, 4.1, 4.4, 5.2, 6.2.)

Q: How is the final schedule for the proceeding established?

A: The assigned Commissioner sets the final schedule for the proceeding in the scoping memo after the prehearing conference. (Rule 7.3.)

MATERIALS REQUIRED FOR FILING OF APPLICATIONS BY CORPORATIONS

Q: Must a corporation attach a copy of its organizing documents and evidence of authority to transact business in California to any application filed?

A: Yes. (Rule 2.2)

Q: If the corporation has previously filed its current certified articles of incorporation and/or its current certified certificate of qualification with the Commission, must these documents be refiled with a new application?

A: No. The corporation needs only to reference in the application the date of the previous filing of these documents and the proceeding number for the proceeding in which they were filed. (Rule 2.2)

ATTACHMENT A

DOCUMENT TYPE DEFINITIONS

Document name	Definition
ALTERNATE	A substantive revision by a Commissioner or Administrative Law Judge to a proposed decision not prepared by that Commissioner or ALJ.
AMENDED APPLICATION	Amended Application or amendment to application – a pleading that replaces and supersedes in whole or in part a previously filed application.
AMENDED COMPLAINT	Amended Complaint or amendment to complaint – a pleading that replaces and supersedes in whole or in part a previously filed complaint
AMENDMENT	Formal document modifying a previously filed document, or supplementing a previously filed document at the request of the Administrative Law Judge.
ANSWER TO COMPLAINT	Answer to a formally filed complaint or amended complaint.
APPEAL	Appeal of the Presiding Officer's decision.
APPEAL CATEGORIZATION	Appeal of a ruling on category ("Scoping Ruling") or appeal of a categorization of the proceeding in Instructions to Answer, Order to Show Cause or in an Order Instituting Investigation.
APPLICATION	Initial request commencing a new formal proceeding.
ARBITRATORS AGREEMENT	Agreement filed by arbitrating parties in an arbitration proceeding.
ARBITRATOR REPORT	Report filed by the Commission Arbitrator in arbitration proceeding.
BRIEF	Document that is formally filed by parties as directed by the assigned judge or commissioner. Reply Briefs must be filed under the BRIEF.

Document name	Definition
CERTIFICATE OF SERVICE	Certificate of Service should not generally be a stand alone document, but rather be integrated into the filed document.
COMMENTS	Document that is formally filed by parties as directed by the assigned Administrative Law Judge, Commissioner or Chief Administrative law Judge or the Rules of Practice and Procedure. Reply Comments are filed under COMMENTS.
COMPLAINT	The initial pleading commencing a new complaint proceeding.
EX PARTE	Report of an ex parte communication.
INVESTIGATION	Investigation instituted by the Commission Order Instituting Investigation
LAW AND MOTION	Motions in discovery disputes (to compel discovery; to file materials under seal; for protective order, etc.)
MISCELLANEOUS FILING	Document that does not fit into a document type in the list.
MOTION	Request for the Commission or the Administrative Law Judge to take a specific action in a proceeding before the Commission. Includes Motion for Party Status, Request to Set Aside Submission, or Reassignment.
NOTICE	Any notice of fact related to the proceeding that does not constitute a notice of intent to file a new general rate application or of ex parte communication. Includes Notice of Intent to Claim Compensation.
PETITION FOR MODIFICATION	Request to the Commission to make changes in the text of an issued decision.
PETITION TO ADOPT, AMEND OR REPEAL A REGULATION	Initial pleading commencing a new proceeding under Public Utilities Code Section 1708.5.
PRESIDING OFFICER'S DECISION	Proposed Decision of the Presiding Officer in an

Document name	Definition
	adjudicatory proceeding.
PROPOSED DECISION	A decision to be voted on by the Commission, prepared by the Assigned Commissioner or Administrative Law Judge.
PROTEST	Opposition to a new application.
REHEARING REQUEST	Application for rehearing of the Commission decision.
REPLY	Reply of the moving party to the Response(s) to a previously filed motion; Reply of an applicant to a protest to a new application.
REQUEST	Request for Intervenor Compensation.
RESOLUTION ALJ-176 CATEGORIZATION	Resolution of the Commission ratifying preliminary determinations of category for proceedings.
RESPONSE	Response to a previously filed document.
REPORT	Informational report formally filed pursuant to a Commission decision or the request of an Administrative Law Judge or Commissioner.
RULEMAKING	Rulemaking proceeding instituted by the Commission Order Instituting Rulemaking.
RULING	Written order issued by an Administrative Law Judge or/and Commissioner.
SCOPING RULING	Ruling on the scoping memo for the proceeding.
STATEMENT	Factual statement formally filed pursuant to the request of the Administrative Law Judge or/and Commissioner.
STIPULATION	Formally filed agreement between some or all of the parties to a Commission proceeding on the resolution of any issue of law or fact material to the proceeding.

Document name	Definition
TRANSCRIPT	Formal hearing transcript by the Commission reporter.
WITHDRAWAL	Withdrawal of the previously filed document.